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ECF CASE:

Document #

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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MERCHANT CASH & CAPITAL LLC,

Plaintiff,

-against-

FRIED OKRA, INC., d/b/a/ THOROUGHBREDS
RESTAURANT, THOROUGHBREDS
RESTAURANT LP and TONY BENNET,

Defendants.
-----X

07 CV 10345(SAS)(AJP)

**DEFENDANTS' INITIAL
DISCLOSURES
PURSUANT TO RULE 26(a)**

TO: Nicholas Giuliano, Esq.
Bennett, Giuliano, McDonnell & Perrone, LLP
Attorneys for Plaintiff
494 Eighth Avenue, 7th Floor
New York NY 10001
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Pursuant to Rule 26(a) of the Federal Rules of Civil Procedure, Defendants,
FRIED OKRA, INC., d/b/a/ THOROUGHBREDS RESTAURANT,
THOROUGHBREDS RESTAURANT LP and TONY BENNET ("Defendants") make
the following disclosures:

- (a) **The Name and, if Known, the address and telephone numbers of each individual likely to have discoverable information that the Defendants may use to support their claims or defenses, unless solely for impeachment.**

Tony Bennett
9706 Kings Highway
Myrtle Beach, SC 29572

Fried Okra, Inc., d/b/a/ Thoroughbreds
Restaurant, Thoroughbreds
Restaurant LP
c/o Tony Bennett
9706 Kings Highway
Myrtle Beach, SC 29572

- (b) **A copy or description by category and location of all documents, data compilations and tangible things that are in Defendants' possession, custody or control and that the Defendants may use to support their claims or defenses, unless solely for impeachment:**

Electronic files comprising Defendants' account records accessible on Plaintiff's website.

Defendants' electronic general ledger and all records/documents concerning the agreements between the parties, including correspondence and emails.

- (c) **Computation of Defendants' damages**

Not applicable.

- (d) **The ability to copy and inspect the contents of any pertinent insurance agreement:**

Not applicable.

- (e) **Amendments:**

Defendants reserve the right to supplement or amend this automatic disclosure

prior to discovery as may be appropriate and necessary.

Dated: New York, New York
February 11, 2008

SNOW BECKER KRAUSS P.C.

By: S/DEREK WOLMAN
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FRIED OKRA, INC., d/b/a/
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RESTAURANT, THOROUGHBREDS
RESTAURANT LP and TONY BENNETT